

# RULES AND REGULATIONS OF THE SOMERVILLE HISTORIC PRESERVATION COMMISSION

## ARTICLE 1

### General Provisions

- 1.1 Authority: These Rules and Regulations are adopted pursuant to Somerville Code of Ordinances, Chapter 7, Article II, and §§ 7 – 16 et seq., the Historic Preservation Ordinance, hereinafter referred to as the enabling ordinance.
- 1.2 Purpose: These Rules and Regulations shall govern the internal management of the Somerville Historic Preservation Commission ("Commission") and are intended to further the goals set forth in Section 1 of the enabling ordinance.
- 1.3 Office: The offices of the Commission shall be maintained at the Somerville City Hall during hours established by the Commission.

## ARTICLE 2

### Members, Officers and Staff

- 2.1 Members: The Historic Preservation Commission shall consist of seven (7) members, and seven (7) alternates, appointed by the Mayor of Somerville and subject to confirmation by the Board of Aldermen. All of the members and at least five (5) of the alternates shall be residents of the City.
- 2.2 Alternate: Alternates may vote for the election of officers. Alternates may vote in accordance with Section 4.5 when one or more Commission members are absent or withdraws.
- 2.3 Elected Officers: The Commission shall annually elect every May the following officers from its membership: a Chairperson and a Vice-Chairperson. The term of service for such officers shall be one (1) year or until the next annual election of officers. The Commission shall select a

Secretary, who may be a city employee, and who need not be a Commission member or alternate.

2.4 Acting Officer: In the absence of the elected officers, an acting Chairperson shall be elected by the members and shall serve until the return of one of the elected officers or until the next annual election of officers, whichever event occurs first.

2.5 Duties of the Chairperson: The principal duties of the Chairperson shall be as follows:

- a. Supervise the affairs of the Commission.
- b. Preside at meetings of the Commission.
- c. Appoint members to serve on all committees of the Commission.
- d. Serve as an ex-officio member of all committees of the Commission and, in conjunction with the Vice-Chairperson, coordinate the work of such committees.
- e. Perform such other duties and assume such other responsibilities as may be consistent with, and in furtherance of, the enabling ordinance.

2.6 Duties of the Vice-Chairperson: The principal duties of the Vice-Chairperson shall be as follows:

- a. In the absence of the Chairperson, perform all the duties and assume all the responsibilities of the Chairperson.
- b. Serve as an ex-officio member of all committees of the Commission and, in conjunction with the Chairperson, coordinate the work of such committees.

2.7 Secretary: The duties of the Secretary, shall include those listed below which the Secretary shall perform or cause to be performed:

- a. Compile minutes of all meetings of the Commission.
- b. Maintain a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein.
- c. Receive and process, on behalf of the Commission, all petitions, applications for certificates and other official correspondence.

- d. Prepare agenda for all Commission meetings.
  - e. Perform such other duties and assume such other responsibilities as the Commission may from time to time direct.
  - f. Notify the City Clerk of Commission election results.
- 2.8 Secretary Pro-Tempore: In the absence of the Secretary, the Commission shall elect a secretary pro-tempore who shall take the minutes of the meeting.

### ARTICLE 3

#### Meetings

- 3.1 All meetings of the Commission shall be conducted according to MGL 39, Section 23B, known as the "Open Meeting Law."
- 3.2 Annual Meetings: The Commission shall meet annually for the purpose of electing officers during the month of May; such meetings may take place during a regular monthly meeting of the Commission.
- 3.3 Regular Meetings: Regular meetings of the Commission shall be held once each month, with the exception of months in which no official business is pending, and/or requiring timely action by the Board, on the same weekday, if and when practicable, in the Somerville City Hall or at other locations within the City which are accessible to the public and which have been the subject of appropriate advance notice.
- 3.4 Special Meetings: Special meetings of the Commission may be called by the Chairperson or upon the request of three (3) or more members of the Commission.
- 3.5 Emergency Meeting: Meetings occasioned by matters of an urgent or emergency nature may be called by the Chairperson or Vice-Chairperson and may proceed as soon as a quorum has been achieved.
- 3.6 Public Hearings: The Commission shall, from time to time, hold public hearings about such matters before it as are required by ordinance or otherwise desired by the Commission; public hearings may occur at regular or special meetings of the Commission and shall be called and conducted in

accordance with the enabling ordinance, the General Laws of Massachusetts, and such rules and regulations as the Commission may adopt regarding its relationship with the public.

## ARTICLE 4

### Procedures

- 4.1 Notice: The Commission shall provide advance notice to its members and to the public of its forthcoming meetings and public hearings. In no case shall the form and timing of such notice be inconsistent with Chapter 39, §23B of the General Laws of Massachusetts, and the Commission's rules and regulations regarding its relationship with the public.
- 4.2 Quorums: The presence of four members or alternates shall constitute a quorum for meetings of the Commission.
- 4.3 Votes Required for Approval: Designation of a local historical district, or national register property shall require a minimum of five (5) votes. Other business of the Commission shall require a simple majority.
- 4.4 Proxies: Voting by proxy shall not be allowed.
- 4.5 Selection Among Alternates for Purposes of Voting: In instances where a Commission member is absent or has withdrawn, the selection among alternates who are present for the purpose of voting shall be accomplished at the beginning of the meeting in accordance with an objective method determined and administered by the officer presiding at the meeting. If members become absent or withdraw during the meeting, selection shall be accomplished at that time.
- 4.6 Conflicts of Interest:
  - a. Pursuant to the enabling ordinance, if any member or alternate is employed or to be employed by the City or to have directly, or indirectly a financial interest in any contract with the City, the classification of "special municipal employee" should be obtained from

the Board of Alderman and other requirements as set forth under Chapter 268A of the General Laws of Massachusetts, shall be met.

- b. Any member who has an interest in any matter before the Commission which in his or her judgment may conflict with the impartial discharge of his or her responsibilities shall so inform the Secretary and the officer presiding at the meeting at which the matter is discussed, shall not participate in a discussion or voting on such matters, and shall physically withdraw from the Commission during the time when such matters are before the Commission.

4.7 Adjournment and Continuance: In the event that the absence or departure of members from a meeting causes a lack of quorum, or that the business before the Commission cannot be completed at one sitting, the presiding officer may adjourn the meeting and subsequently reschedule another or may continue the meeting by announcing a time and place, consistent with statutory deadlines, for resumption at such meeting; motions for adjournment or continuance shall require concurrence of a numerical majority of members present and voting.

4.8 Minutes: Minutes shall be taken at every meeting of the Commission, shall be available to all members, shall be available to the public and shall be reviewed, corrected as necessary, and ratified at the next regular meeting of the Commission or as soon thereafter as convenient.

4.9 Delinquent Attendance: Members who are absent from three (3) or more successive regular meetings and public hearings of the Commission without prior notification to the Secretary or who, in the judgment of the Chairperson and the Vice-Chairperson, repeatedly fail to attend committee meetings, shall be subject to appear before the Commission to show cause why the Commission should not request their resignation or seek their removal and a new appointment in their stead in accordance with the enabling ordinance.

4.10 Manner of Voting: All votes of the Commission shall be taken in open public session. However, withdrawal of a member for cause and appointment of an

alternate for purposes of voting shall be allowed in accordance with Article 4.11 of the Rules and Regulations.

- 4.11 Withdrawal from Voting: If, after participation in discussion of a matter before the Commission, a member is in good conscience unable to vote, withdrawal from voting shall be permitted by the presiding officer upon the request of the member involved. In such instances, the member's designated alternate shall vote in his or her stead or the procedures hereinbefore established under Article 4.5 shall be utilized to select among alternates for purposes of voting.

## ARTICLE 5

### Committees

- 5.1 Authority: Committees appointed by the chairperson shall serve the Commission in an advisory capacity and shall not act on official business on behalf of the Commission.
- 5.2 Committee Chairpersons: The membership of each appointed committee shall elect or designate one individual to serve as its chairperson and to render its reports to the Commission.

## ARTICLE 6

### Amendments

- 6.1 Form: Amendments to these Rules and Regulations shall be proposed in writing and shall be made available to all members of the Commission at such time as notice is given for the meeting at which they are to be considered.
- 6.2 Approval: Amendments to these Rules and Regulations may be considered at any regular, special, or annual meeting of the Commission and shall be approved consistent with the foregoing provisions of Article 4.2.b regarding an appropriate quorum and Article 4.3 regarding votes required for approval.

## ARTICLE 7

### Severability

- 7.1 Severability: The provisions of these Rules and Regulations are severable; if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of these Rules and Regulations.